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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/932,104

08/17/2001

Thomas James Dubil

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07/28/2004

Michael E. Marion
PHILLIPS ELECTRONICS NORTH AMERICA CORPORATION
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EXAMINER

NGUYEN, JIMMY H

ART UNIT

PAPER NUMBER

2673

15

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,104

Applicant(s)

DUBIL ET AL

Examiner

Jimmy H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7, 9-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 9-15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/20/2004 has been entered. Claims 1-3, 5, 7, 9-15 and 17 are currently pending in the application. An action on the RCE follows:

Claim Objections

2. Claims 14 and 15 are objected to because of the following informalities: line 9 of claims 14 and 15, "XML" should be changed to -- extensible markup language (XML)--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2, 5 and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Regarding to these claims, the disclosure, when filed, does not fairly contain information regarding to the claimed features, "at least a portion of the input interface area is determined by XML data", recited in claim 2, "the first content information is received from one of a remote central station, an Internet connected host, and a set top box and the second content information is received from a different source", recited in claims 5 and 13-15, "the XML data determining the area enabling a user to interact with the second content information", recited in claim 5. The disclosure, specifically page 5, lines 8-16 only discloses the XML data containing control codes associated with the content in order to enable user interaction with remote device. However, the original disclosure does not fairly convey to one of ordinary skill in the art that inventor(s) had in their possession the above underlined features presently recited in these claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 7, 9-12, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee et al. (USPN: 6,130,726), hereinafter Darbee, and further in view of Cheng et al. (USPN: 6,211,878 B1), hereinafter Cheng.

Regarding to claims 1-3, 5, 7 and 9-12, the claimed invention reads on Darbee as follows: Darbee discloses a system for transmitting and displaying content information related to a television program, advertising offers, a billboard and etc. (col. 3, lines 13-25), the system comprising an Internet connected host, such as a set top box, connected to a remote server or a

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remote station, such as a cable station, a satellite station and etc., for receiving a signal including the content information via the Internet (col. 4, lines 19-32, col. 6, line 62 through col. 7, line 5, col. 8, lines 57-67, col. 20, lines 50-61), and a remote control device (10) (fig. 1) comprising a RF transceiver (48) (fig. 2) for wireless receiving the content information and for transmitting information (col. 9, lines 1-137, line 17), processing circuitry (a microcontroller 28, fig. 2, col. 7, lines 6-46), input interface device including a directional cursor control mechanism (up, down, left and right arrow keys, fig. 1) and a selection button (a EZ NAV key 20, fig. 1, col. 13, lines 32-56), a memory unit comprising ROM/RAM 40 and FLASH RAM or EEPROM 36 (fig. 2, col. 7, lines 43-58), for storing algorithm (software protocol or program) used to determine if the information to be displayed belongs in programmed categories such as sport, movie, kid and etc. (figs. 13 and 14, col. 9, lines 58-65), and a display (a LCD display 14, fig. 1) for displaying a first content information comprising television program scheduling and a second content information comprising interacting data related to a scheduled program in the television program scheduling (figs. 12 and 27A, col. 12, lines 44-51). Accordingly, the Darbee reference discloses all the claimed limitations except for the XML data features as recited in these claims.

However, Cheng expressly teaches a remote control unit (30) (see fig. 2) for wirelessly receiving a signal in the form of XML data (col. 5, lines 42-43) and a computer application (col. 5, line 37) or a driver program (col. 2, lines 66) enabling the rendering of the XML data on the display (a video device such as a television 36). See fig. 2, and col. 5, lines 32-43. It would have been obvious to one of ordinary skill in the art to utilize the XML data in the Darbee device, in view of the teaching in the Cheng reference, because this would eliminate the use of a graphical mouse pointer, as taught by Cheng (col. 2, lines 27-31).

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Furthermore, the benefit of using the XML formatted data to structure documents and data on the World Wide Web, and to transmit and to share the documents across the Internet are well known and expected in the art, as well as recognized by the applicant (see the amendment filed on 09/18/2003, page 7, lines 4-10).

Regarding to claim 15, this claim is similar to claim 5 above and further recites an input device comprising a roller ball. Darbee further teaches an input device comprising a set of up, down, left and right arrow keys, for controlling the cursor in the interface, instead of a roller ball, as claimed. However, Cheng further teaches the remote control device comprising a roller ball (a trackball, col. 1, line 41) for controlling the cursor (a pointer, col. 1, line 42) in the interface is well-known to one of ordinary skill in the art, and the benefits of using the roller ball is to allow the user to move the cursor quickly in any direction with a finger or a thumb (col. 1, lines 41-44). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to substitute the Cheng roller ball for the set of arrow keys of Darbee, in view of the teaching in the Cheng reference, because this would allow the user quickly to move the cursor in any direction with a finger or a thumb, as taught by Cheng.

Regarding to claim 17, see the rejection to claims 1-3, 5, 7 and 9-12 above.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee in view of Cheng, and further in view of O'Donnell et al. (USPN: 6,549,143 B1), hereinafter O'Donnell.

As per claim 13, this claim is similar to claim 15 above except for stored signal codes and a manual select button for using the remote to switch between two or more televisions. Darbee further teaches the remote control device comprising a memory unit comprising ROM/RAM 40 and FLASH RAM or EEPROM 36, for storing signal codes (fig. 2, col. 7, lines 43-58).

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Accordingly, Darbee discloses all the claimed limitations except for a manual select button for using the remote to switch between two or more televisions.

However, O'Donnell discloses expressly the use of a key included in the remote control device, for switching between two or more appliances, such as TV, VCR, DVD and etc., is well known and expected in the art (col. 1, lines 18-27). Further, O'Donnell teaches that each appliance is programmed to have an identification code in order to recognize the selected appliance (col. 2, lines 13-24). In other words, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to program two or more TVs having different identification codes, so that a single key of the O'Donnell universal remote control device can toggle between two or more TVs. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide a key for switching between two or more TVs, in the Darbee remote control device, in view of the teaching in the O'Donnell reference, because this would reduce a number of keys required to control a number of appliances.

8. Claim 14 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Darbee in view of Cheng, and further in view of Gerritsen et al. (USPN: 6,003,072), hereinafter Gerritsen.

As per claim 14, claim 14 is similar as claim 5 except for an addition of an auto-zoom feature for zooming in and out the information. Accordingly, as discussed in the rejection to claim 5 above, Darbee discloses all the claimed limitations except for an auto-zoom feature as claimed.

However, Gerritsen discloses the remote control device comprising a zooming key (50) (fig.2) for zooming in and out the information (col. 3, lines 28-28-31). It would have been

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obvious to a person of ordinary skill in the art at the time of the invention was made to provide a zooming key in the Darbee remote control device, in view of the teaching in the Gerritsen reference, because this would allow the user to adjust the viewing size of the information that the user feels comfortable with.

Response to Arguments

9. With respect to the Kubischta reference, this reference is no longer qualified as a prior art in view of the Declaration under Rule 1.131 filed on 05/20/2004.

10. Applicant's arguments with respect to all claims regarding to the cited references, specifically the Darbee reference, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mantha et al. (USPN: 6,163,779, see col. 13, lines 16-22) and Humpleman et al. (USPN: 6,182,094 B1, col. 4, lines 4-11), both also disclose the use of XML data in the remote control system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is (703) 306-5422. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at (703) 305-4938.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

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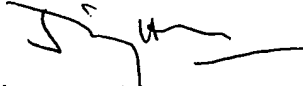
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.

JHN
July 22, 2004



Jimmy H. Nguyen
Examiner
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